

**Attorney Docket No. 10057-719.201**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No.	:	10/840,188	Confirmation No.:	7264
Applicant	:	Mark L. MATHIS et al.		
Filing Date	:	May 5, 2004		
Title	:	Device and Method for Modifying the Shape of a Body Organ		
Group Art Unit	:	3731		
Examiner	:	Tuan Van NGUYEN		
Docket No.	:	10057-719.201		
Customer No.	:	66854		

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313  
Sir:

**AMENDMENT ACCOMPANYING RCE**  
**AFTER NOTICE OF APPEAL**

**Introductory Comments:**

This Amendment accompanies a Request for Continued Examination, and is subsequent to filing a Notice of Appeal on October 21, 2008. This response, therefore, is due December 21/22, 2008 and is therefore deemed timely filed.

Please enter the amendments and consider the remarks as follows.

**Amendments to the Specification** are not being made at this time.

**Amendments to the Claims** begin on page 2.

**Remarks / Arguments** begin on page 6 of this paper.